





# City Attorney

## Mission Statement

To serve San Diego as the chief legal advisor and misdemeanor prosecutor. Dedicated to a philosophy of proactive, early intervention lawyering and committed to community outreach, the City Attorney provides guidance and support for elected City officials, departments, and boards and commissions; represents the City before judicial and administrative bodies in civil proceedings; and prosecutes misdemeanor crimes.

## Department Description

The City Attorney's Office serves San Diego as the chief legal advisor and misdemeanor prosecutor. The City Attorney's Office is divided into four divisions: Administration, Civil, Criminal, and Information Systems. The primary operations of the Office occur in the Criminal and Civil Divisions. The City Attorney's Criminal Division prosecutes misdemeanors committed within the City of San Diego. These include violations of State and local laws, child abuse, theft offenses, sex crimes, gang and graffiti crimes, zoning and building code violations, consumer and environmental crimes, quality-of-life crimes and many others. The City Attorney's Civil Division provides legal services to the City of San Diego. Advisory attorneys provide legal guidance to the Mayor, Council, and City departments. Litigation attorneys defend the City against lawsuits and also pursue litigation when money is owed to the City.

The City Attorney's Office is made up of a highly professional, dedicated group of public servants. Attorneys, investigators, advocates, secretaries, legal assistants, and support staff in highly effective teams continue to serve the City and the people of the State of California. Over the last six years, the Office has been recognized at the local, State and national level for innovation, excellence, and measurable results related to efficiency, effectiveness, and public safety. The vast majority of the work of the Office is done with little fanfare or public notice. The Office has suffered no employment-related litigation in the last six and a half years. The Office continues to pride itself in hiring top caliber attorneys dedicated to making a difference in our community. Perhaps the best endorsement of the staff of the Office comes from the many community leaders, community

organizations, City employees, police officers, and others that work continuously in partnership with the Office.

## Budget Dollars at Work

\$803,432 Civil Enforcement Unit monetary recoveries - highest ever  
\$100,000 Consumer Fraud Victim restitution in more than 400 consumer complaints  
\$361,801 Third Party Recoveries by Employment Services and Safety Unit  
\$111,000 Workers' Compensation Appeals Board credits  
\$500,000 California Endowment grant for the Family Justice Center  
\$300,000 Justice Department grant for the Family Justice Center  
\$30,000 Verizon grant for the Family Justice Center  
1,022 Students educated at Teen Court  
3,801 Child Abuse/Domestic Violence cases reviewed, 1,413 filed, 86 to trial, and 70 percent guilty verdicts of those that went to trial  
42,000 Misdemeanor cases reviewed, charges filed in 35,000 cases  
6,000 Cases of driving under the influence  
1,000 Sex crimes and prostitution  
900 Cases involving violence or threats of violence (excluding domestic violence cases)  
2,500 Charges issued in "Felony-Wobbler" cases - cases rejected by the District Attorney but involving serious offenders to be prosecuted as misdemeanors  
150 to 175 misdemeanor cases set for trial each month  
200 Cases to jury trial

## Service Efforts and Accomplishments

In 2002, the City Attorney's Civil and Criminal Divisions' staff provided the citizens of San Diego with quality legal work, focusing on proactive, early intervention strategies with a commitment to community outreach.

The Office has worked proactively to focus resources on the Mayor's Ten Goals, the Manager's priority initiatives, the Police Chief's major projects, and the priorities of each individual Councilmember. It is

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## Service Efforts and Accomplishments (continued)

safe to say that no major City initiative goes forward without the involvement and support of the City Attorney's Office. The Office is committed to providing excellent legal services to every level of City government. Highlights of 2002:

- Successful legal defense of all aspects of the Ballpark Redevelopment Project and restart of construction
- Creation of the San Diego Family Justice Center at 707 Broadway in downtown San Diego
- Development of Community Courts in downtown San Diego and Mid-City
- Successful legal defense of the Serial Inebriate Program
- Negotiation and drafting of agreements for the U.S. Open at Torrey Pines in 2008
- Successful drafting and implementation of local regulations to comply with the City's National Pollution Discharge Elimination System permit for storm water runoff
- Successful prosecution of 19 criminal and civil cases related to storm water and bay pollution violations
- U.S. Environmental Protection Agency recognition of our storm water prosecution team
- Creation of a dedicated attorney position to work on issues related to the Americans with Disabilities Act
- Initial planning for creation of Camp Hope and Lake Sutherland in conjunction with the San Diego Center for Children Foundation
- Preserved the City's 301 (h) modified permit, protecting taxpayers from \$3 - 4 billion in additional costs for the sewer treatment system
- Drafted, adopted, and implemented the City's Illegal Street Racing Spectator Ordinance
- Prevailed in 82 percent of civil jury trials
- 70 percent wins at jury trials
- 95 Percent overall conviction rate for the Criminal Division
- 140 Writs and appeals with better than 90 percent decided in the people's favor
- 96 Percent conviction rate in domestic violence prosecution
- 90 Percent success rate in more than 600 motions in criminal cases argued

## Future Outlook

The City Attorney's Leadership Team has identified three long-range goals:

1. Enhance the Family Justice Center which unites personnel from the San Diego Police Department and the City Attorney's Office, and community partners in one location to provide centralized victim support services, advocacy and justice needed to address child abuse and domestic violence.
2. Expand the Neighborhood Prosecution Initiative by pursuing misdemeanor diversion programs, identifying additional liaison deputies for every community in San Diego, aggressively pursuing grant funding, and establishing community court.
3. Continue to provide early review, advice and assistance to City departments in avoiding legal difficulties.

## Division/Major Program Descriptions

### Administration

The City Attorney and the Executive Assistant City Attorney provide legal guidance and support to the Mayor, City Council, Council committees, City Manager, and City departments. The City Attorney and the Executive Assistant City Attorney lead the Office and manage the staff.

### Civil

The Civil Division provides ongoing legal guidance and support to the Mayor, City Council, City Clerk, City Auditor and Comptroller, City departments, Council committees, Planning Commission, Housing Authority, and Redevelopment Agency. The Civil Division includes Employment and Safety Services, Public Works, Real Property, Trial and Public Policy units. Civil Division deputies advise on matters such as managing the City workforce; acquiring, using and regulating City lands; and financing and constructing the City's multi-million dollar public works projects. Staff is dedicated to handling disputes from their early stages through trials and appeals in a proactive, efficient, and effective manner.

### Criminal

The Criminal Division prosecutes misdemeanors committed within the City of San Diego, such as driving under the influence of alcohol or drugs, child abuse and domestic violence, theft offenses, sex crimes, gangs and quality-of-life crimes, zoning and building code violations, and consumer and environmental crimes. Prosecutors in the Screening and Arraignment, Neighborhood Prosecutions, Trial and Appellate Units handle the majority of the cases reviewed each year. Prosecutors are also assigned to three specialized units: Consumer and Environmental Protection, Code Enforcement, and Child Abuse and Domestic Violence. The Criminal Division ensures that people who break the law receive appropriate punishment and rehabilitation.

The Office's entire Child Abuse and Domestic Violence Unit is now housed in the Family Justice Center at 707 Broadway in downtown San Diego along with the Police Department's Domestic Violence Unit and domestic violence community partners. The Family Justice Center is the most comprehensive "one stop shop" for all services to victims of domestic violence and their children anywhere in the country and has already been chosen as a demonstration site for the entire nation by the U.S. Department of Justice. The Center is setting the standard for the nation in providing comprehensive services for domestic violence victims from one location.

### Information Systems

The City Attorney's Information Systems team provides technical assistance and user support. The team prepares and monitors the data processing, budget and service agreements; plans and coordinates new system development; and maintains and enhances existing systems. The team also acts as the liaison between the City Attorney's Office, San Diego Data Processing Corporation, other law enforcement agencies, courts, and outside vendors for information technology and telecommunication services.

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	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 PROPOSED	FY 2003-2004 CHANGE
Positions	313.32	322.21	<b>323.71</b>	1.50
Personnel Expense	\$ 25,479,227	\$ 26,093,236	\$ <b>26,961,163</b>	\$ 867,927
Non-Personnel Expense	\$ 2,658,088	\$ 2,199,712	\$ <b>2,099,912</b>	\$ (99,800)
TOTAL	\$ 28,137,315	\$ 28,292,948	\$ <b>29,061,075</b>	\$ 768,127

## Department Staffing

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 PROPOSED
<b>GENERAL FUND</b>			
<b>City Attorney</b>			
Code Enforcement	14.92	14.92	<b>14.92</b>
Consumer & Environ Protection	13.74	13.74	<b>13.74</b>
Dom Violence & Child Abuse	21.29	21.29	<b>21.29</b>
Employment Services	19.43	19.43	<b>19.43</b>
Information Systems	5.00	5.00	<b>5.00</b>
Leadership	2.00	2.00	<b>2.00</b>
Misdemeanor Prosecution	102.15	102.15	<b>102.15</b>
Public Policy	4.33	4.33	<b>4.33</b>
Public Works	33.60	43.49	<b>44.99</b>
Real Property	23.10	23.10	<b>23.10</b>
Support Services	26.18	24.18	<b>24.18</b>
Trial Unit	47.58	48.58	<b>48.58</b>
<b>Total</b>	<b>313.32</b>	<b>322.21</b>	<b>323.71</b>

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## Department Expenditures

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 PROPOSED
<b>GENERAL FUND</b>			
<b>City Attorney</b>			
Code Enforcement	\$ 1,363,625	\$ 1,384,262	\$ 1,397,983
Consumer & Environ Protection	\$ 1,120,739	\$ 1,234,614	\$ 1,241,513
Dom Violence & Child Abuse	\$ 1,860,114	\$ 1,788,764	\$ 1,783,867
Employment Services	\$ 1,824,585	\$ 1,784,865	\$ 1,787,235
Information Systems	\$ 1,628,803	\$ 1,493,692	\$ 1,611,330
Leadership	\$ 607,730	\$ 446,363	\$ 464,185
Misdemeanor Prosecution	\$ 6,682,361	\$ 7,584,073	\$ 7,604,842
Public Policy	\$ 579,872	\$ 467,574	\$ 487,338
Public Works	\$ 4,380,049	\$ 3,785,405	\$ 4,001,825
Real Property	\$ 2,067,726	\$ 2,032,399	\$ 2,050,534
Support Services	\$ 2,397,958	\$ 1,802,821	\$ 2,070,220
Trial Unit	\$ 3,623,753	\$ 4,488,116	\$ 4,560,203
<b>Total</b>	<b>\$ 28,137,315</b>	<b>\$ 28,292,948</b>	<b>\$ 29,061,075</b>

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## Significant Budget Adjustments

### GENERAL FUND

City Attorney	Positions	Cost
<b>Salary and Benefit Adjustments</b> Adjustments to reflect the annualization of the Fiscal Year 2003 negotiated salary compensation schedule, Fiscal Year 2004 negotiated salaries and benefits, changes to average salaries, retirement contributions and other benefit compensation.	0.00	\$ 1,537,503
<b>Net Addition to the Americans with Disabilities Act</b> Addition of 1.00 Deputy City Attorney and 1.00 Legal Assistant and a reduction of 0.50 City Attorney Investigator for a net addition of 1.50 FTE. Related costs provide additional legal services and assistance for the City's obligations to meet the requirements of the Americans with Disabilities Act. Positions and related costs are funded by Community Development Block Grant and funds transferred from other departments.	1.50	\$ 165,473
<b>Support for Information Technology</b> Funding has been reallocated according to a Citywide review of information technology budget requirements and priority analyses.	0.00	\$ 94,789
<b>Non-Discretionary</b> Adjustments to reflect expenses that are determined outside of the Department's direct control. Examples of these adjustments include utilities, insurance, and rent.	0.00	\$ (29,638)
<b>Reduction in Office Supplies and Training</b> Reduction in office supplies and training across all divisions in the department.	0.00	\$ (184,110)
<b>Reduction Due to Proposed Fiscal Year 2004 Vacant Positions</b> Reduction of personnel expense due to positions that will remain vacant in Fiscal Year 2004.	0.00	\$ (815,890)



## Expenditures by Category

		FY2002 ACTUAL		FY2003 BUDGET		FY2004 PROPOSED
PERSONNEL						
Salaries & Wages	\$	19,638,157	\$	19,985,107	\$	19,938,049
Fringe Benefits	\$	5,841,070	\$	6,108,129	\$	7,023,114
SUBTOTAL PERSONNEL	\$	25,479,227	\$	26,093,236	\$	26,961,163
NON-PERSONNEL						
Supplies & Services	\$	1,928,776	\$	927,728	\$	748,846
Information Technology	\$	387,749	\$	966,022	\$	1,019,831
Energy/Utilities	\$	299,735	\$	240,147	\$	278,020
Equipment Outlay	\$	41,827	\$	65,815	\$	53,215
SUBTOTAL NON-PERSONNEL	\$	2,658,088	\$	2,199,712	\$	2,099,912
TOTAL	\$	28,137,315	\$	28,292,948	\$	29,061,075

## Key Performance Measures

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 PROPOSED
Average cost per misdemeanor case tracked	\$157	\$217	\$200
Average cost per case tracked Child Abuse and Domestic Violence Division	\$531	\$497	\$496
City Attorney civil litigation cost per \$100 of private attorney cost. (1)	\$41.00	\$42.00	\$42.00

(1) Efficiency is based on full cost of Trial Unit services compared to average cost of contracted outside attorney services. Full cost of Trial Unit services includes indirect costs such as 12% of Department Support costs, 23% of Civil Division Support costs, and a portion of General Government Service's allocation as established by Auditors.

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## Salary Schedule

### GENERAL FUND

#### City Attorney

<i>Class</i>	<i>Position Title</i>	<i>FY 2003 Positions</i>	<i>FY 2004 Positions</i>	<i>Salary</i>		<i>Total</i>
1104	Account Clerk	1.00	<b>1.00</b>	\$	32,826	\$ 32,826
1105	Administrative Aide I	2.00	<b>2.00</b>	\$	37,987	\$ 75,974
1106	Sr Management Analyst	1.00	<b>1.00</b>	\$	62,561	\$ 62,561
1132	Asst Management Analyst	2.00	<b>2.00</b>	\$	45,873	\$ 91,746
1147	Principal Legal Assistant	1.00	<b>1.00</b>	\$	67,408	\$ 67,408
1218	Assoc Management Analyst	2.00	<b>2.00</b>	\$	55,514	\$ 111,028
1236	Auto Messenger	1.00	<b>1.00</b>	\$	27,298	\$ 27,298
1348	Info Systems Analyst II	1.00	<b>1.00</b>	\$	56,143	\$ 56,143
1349	Info Systems Analyst III	1.00	<b>1.00</b>	\$	62,954	\$ 62,954
1386	Court Support Clerk I	12.00	<b>12.00</b>	\$	33,403	\$ 400,830
1388	Court Support Clerk II	10.00	<b>10.00</b>	\$	34,896	\$ 348,959
1401	Info Systems Technician	2.00	<b>2.00</b>	\$	43,594	\$ 87,188
1402	Document Input Clerk-Terminal	2.00	<b>2.00</b>	\$	33,245	\$ 66,490
1415	Dispute Resolution Officer	1.00	<b>1.00</b>	\$	57,531	\$ 57,531
1535	Clerical Assistant II	22.75	<b>22.75</b>	\$	30,468	\$ 693,140
1577	Legal Secretary	39.09	<b>39.09</b>	\$	45,270	\$ 1,769,616
1596	City Attorney Investigator	23.89	<b>23.39</b>	\$	60,124	\$ 1,406,304
1598	Legal Assistant	15.12	<b>16.12</b>	\$	54,832	\$ 883,899
1648	Payroll Specialist II	1.00	<b>1.00</b>	\$	36,573	\$ 36,573
1726	Principal Clerk	1.00	<b>1.00</b>	\$	45,584	\$ 45,584
1728	Principal Atty Investigator	1.00	<b>1.00</b>	\$	71,390	\$ 71,390
1746	Word Processing Operator	14.24	<b>14.24</b>	\$	33,015	\$ 470,138
1776	Public Information Clerk	1.00	<b>1.00</b>	\$	33,062	\$ 33,062
1820	Sr Legal Secretary	6.00	<b>6.00</b>	\$	50,956	\$ 305,735
1822	Sr Legal Assistant	5.00	<b>5.00</b>	\$	61,146	\$ 305,731
1867	Librarian III	1.00	<b>1.00</b>	\$	59,318	\$ 59,318
1879	Sr Clerk/Typist	7.00	<b>7.00</b>	\$	38,040	\$ 266,278
1885	Sr Attorney Investigator	6.00	<b>6.00</b>	\$	64,657	\$ 387,942
1917	Supv Management Analyst	1.00	<b>1.00</b>	\$	71,076	\$ 71,076
1983	Victim Services Coordinator	3.00	<b>3.00</b>	\$	39,245	\$ 117,734
2001	City Attorney	1.00	<b>1.00</b>	\$	173,705	\$ 173,705
2106	Asst City Attorney	5.00	<b>5.00</b>	\$	160,827	\$ 804,137
2151	Deputy City Attorney	126.12	<b>127.12</b>	\$	85,444	\$ 10,861,694
2185	Sr Legal Intern	1.00	<b>1.00</b>	\$	53,187	\$ 53,187
2205	Conf Secretary To City Atty	1.00	<b>1.00</b>	\$	75,332	\$ 75,332
2214	Deputy Director	1.00	<b>1.00</b>	\$	107,745	\$ 107,745
	Industrial Leave	0.00	<b>0.00</b>	-	\$	1,264

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## Salary Schedule (continued)

### GENERAL FUND

#### City Attorney

<i>Class</i>	<i>Position Title</i>	<i>FY 2003 Positions</i>	<i>FY 2004 Positions</i>	<i>Salary</i>	<i>Total</i>
	Overtime Budgeted	0.00	<b>0.00</b>	- \$	12,496
	Temporary Help	0.00	<b>0.00</b>	- \$	20,956
	<b>Total</b>	<b>322.21</b>	<b>323.71</b>	<b>\$</b>	<b>20,582,972</b>
<b>CITY ATTORNEY TOTAL</b>		<b>322.21</b>	<b>323.71</b>	<b>\$</b>	<b>20,582,972</b>

## Five-Year Expenditure Forecast

	<b>FY 2004 PROPOSED</b>	<b>FY 2005 FORECAST</b>	<b>FY 2006 FORECAST</b>	<b>FY 2007 FORECAST</b>	<b>FY 2008 FORECAST</b>
Positions	<b>323.71</b>	323.71	323.71	323.71	323.71
Personnel Expense	\$ <b>26,961,163</b>	\$ 27,769,998	\$ 28,603,098	\$ 29,461,191	\$ 30,345,027
Non-Personnel Expense	\$ <b>2,099,912</b>	\$ 2,162,909	\$ 2,227,796	\$ 2,294,630	\$ 2,363,469
<b>TOTAL EXPENDITURES</b>	<b>\$ 29,061,075</b>	<b>\$ 29,932,907</b>	<b>\$ 30,830,894</b>	<b>\$ 31,755,821</b>	<b>\$ 32,708,496</b>

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#### Fiscal Year 2005

No major projected requirements.

#### Fiscal Year 2006

No major projected requirements.

#### Fiscal Year 2007

No major projected requirements.

#### Fiscal Year 2008

No major projected requirements.